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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,150	09/05/2000	Motoki Kobayashi	450101-02197	6966
20999	7590	03/07/2006		
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			EXAMINER MANNING, JOHN	
			ART UNIT	PAPER NUMBER

2614

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,150

Applicant(s)

KOBAYASHI ET AL.

Examiner

John Manning

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6,9-15 and 18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amend claims have been considered but are moot in view of the new ground(s) of rejection. However, the Applicant's arguments will be addressed.

"Applicants submit that the cited portions of Hatori, Oosterhout and Yeo, taken alone or in combination, fail to teach or suggest the above-identified features of claim 1. Indeed, claim 1 recites "...image generation means for generating a plurality of images which are sequential and arranged spirally, based on the image data input, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, among the plurality of images which are sequential and arranged spirally...". Applicants submit that Hatori discloses that the display size of data icon is reduced toward the center of a spiral 104. Thus, the display size of the data icon is reduced toward the center of the spiral 104, but the sizes of the plurality of the images at the same distances from the center are the same."

The Examiner respectfully disagrees with the Applicant assertion. As stated in the previous Office Action, Hatori discloses displaying icons representing image data where the icons are arranged spirally. A spiral is a curve which turns around some central point or axis, getting **progressively** closer to or farther from it, depending on which way one follows the curve. A two-dimensional spiral may be described using polar coordinates by saying that the radius r is a **continuous monotonic** function of θ . Given that the radius r is a continuous monotonic function of θ , any two icons (with a

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Non-equal θ) cannot, by definition, be the same distance from the central point or axis.

Unless the two icons are exactly overlapping, the two icons **cannot** be the same size.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7, 9-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oosterhout et al (US Pat No 6,405,371) in view of Yeo et al. (US Pat No 6,219,837) and further in view of Hatori et al. (US Pat No 5,977,974).

In regard to claim 1 and 10, the claimed limitation of "input means input with image data representing a plurality of image in time series from one of a plurality of image data sources" is met by Figure 1. "FIG. 1 shows a system comprising a transmitter 1 and a receiver 2 in accordance with the invention. The transmitter 1 receives a plurality of television programs TV-1, TV-2, TV-3, .. TV-N. In the digital transmission system under consideration, the television signals are encoded by respective MPEG encoders 11.1, 11.2, 11.3, .. 11.N. The encoded signals are applied to a multiplexer and modulator 12 for transmission through a transmission channel 3 which may be a satellite, terrestrial or cable broadcast network" (Col 2, Lines 28-37). The claimed limitation of "image display means for displaying the plurality of images generated, independent of the image data source" is met by Figure 1, Item 24. The

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claimed limitations of "focus setting means for setting a focus on an image positioned at an area surrounded by a frame, among the plurality of images displayed; and",

"selection means for selecting an image set by the focus setting means, independent of the image data source" and "wherein one or more of the images are modified relative to the displayed image" are met by Figure 4. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button.

While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48). Oosterhout discloses providing image data from one of a plurality of image data sources as can be see in Figure 2 so as to allow the user to navigate through television programs, where each channel is interpreted to be a image data source. The "microprocessor processes, in a step 307, the data which links the position of each sub-image in the mosaic signal MOS with the program number n of the associated television program TV-n, and applies the relevant program number to the demodulator and demultiplexer. The control program then returns to the step 301 to await a new EPG command" (Col 3, Lines 60-64). Oosterhout fails to explicitly disclose displaying a plurality of indexing images. The Yeo et al. reference teaches the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. "These summary frames depict key scenes from the past

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which aid the viewer in quickly ascertaining the current plot or theme of the video program" (Col 3, Lines 28-31). Consequently, it would have been clearly obvious to one of ordinary skill in the art to implement Oosterhout with the use of indexing images or summary frames so as to provide quick hyperlinking to a past or future portion of the video. The combined teaching fails to explicitly disclose image generation means for generating a plurality of images which are sequential and arranged spirally, based on the image data input, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, among the plurality of images which are sequential and arranged spirally. Hatori discloses image generation means for generating a plurality of images which are sequential and arranged spirally (Col 19, Lines 40-65+), based on the image data input, and for generating the plurality of images such that an image at a second time point is larger than an image at a first time point, among the plurality of images which are sequential and arranged spirally (Col 20, Lines 1-50) so a user can easily have a sense of time interval or depth so that the user can intuitively have a sense of temporal order (Col 2, Lines 38-53).

In regard to claim 2 and 11, with respect to Hatori, the images are generated such that the image at the first time point is earlier than an image at the second time point. "On the spiral 104, data icons representing data which are sensed or generated at an earlier time than time assigned to the end point of the outermost curve of the spiral are arranged from the outside toward the inside of the spiral in descending order of time" (Col 5, Lines 18-26).

In regard to claim 3 and 12, the Oosterhout et al. reference discloses the fading of sub-images so as to accentuate the non-faded sub-images. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1) to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28).

In regard to claim 4 and 13, the Oosterhout et al. reference discloses a frame of predetermined size responsive to the use input so as to indicate the user selection. "In a step 303, the microprocessor receives cursor control commands from the remote control device and causes the graphics generator to display a cursor on screen. The cursor may take any convenient form. In FIG. 4, the cursor is shown as a framework around a selectable display item, such as a framework 45a around a sub-image or a framework 45b around an on-screen button. While moving the cursor across the sub-images on the mosaic screen with the cursor control keys (261 in FIG. 1), the receiver reproduces the audio signal of the associated television program" (Col 3, Lines 38-48).

In regard to claims 5-6 and 14-15, the image data moves in both a radial and circumferential direction as defined by a spiral shown in Figure 4, Item 104. "In an advantageous embodiment, the sub-images representing the desired program are distinguished from the others by reducing the visibility of the other sub-images. In this embodiment, the microprocessor causes the brightness mask generator (30 in FIG. 1)

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to generate a brightness mask signal B which reduces the brightness of the displayed video signal in those screen areas where the sub-images of the non-desired television programs are displayed" (Col 4, Lines 21-28)

Claims 7 and 16 are met by that discussed above for claims 1 and 10.

In regard to claim 9 and 18, the Hatori et al. reference discloses information processing apparatus and method that displays image data in a spiral time axis. The reference fails to explicitly disclose the generation of a background image, which radially spreads from the center of the spiral. However, it is submitted that it would have been clearly obvious to one of ordinary skill in the art at the time of the invention to implement the Hatori et al. system with generation of a background image, which radially spreads from the center of the spiral so as give perspective in order to give the appearance of depth.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Takiguchi et al (US Pat App Pub No 2002/0032696).


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Manning whose telephone number is 571-272-7352. The examiner can normally be reached on M-F: 9:00 - 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM
February 28, 2006


JOHN MILLER
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